

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAMON M. DEL CAMPO,

Plaintiff,

v.

No. 2:20-cv-00641-MV-KRS

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on *pro se* Plaintiff's failure to timely file an amended complaint.

Plaintiff names the United States Department of Justice and Waylon Barr as Defendants. Plaintiff alleges: "An unidentified agent has been caught on servallance cameras conducting illegal operations along with City of Las Cruces Detectives. See attached form. Please view the cause number of *Ramon M. del Campo vs. City of Las Cruces Police Department* in order to obtain the facts." [sic] Complaint at 7. Where the form Complaint instructs Plaintiff to "[b]riefly state the background of your case," Plaintiff wrote: "Please view *Ramon M. del Campo vs. City of Las Cruces Police Department* and attached form."

The Court notified Plaintiff that the Complaint fails to state a claim and that the Court will not comb the record of other cases and act as an advocate for Plaintiff. *See* Doc. 27, filed September 8, 2020 (Sweazea, J.). The Court granted Plaintiff leave to file an amended complaint and notified Plaintiff that failure to timely file an amended complaint may result in dismissal of this case. Plaintiff did not file an amended complaint by the September 22, 2020 deadline.

One of Plaintiff's motions states that the "Social Security Administration has deemed [Plaintiff] as mentally impaired." Motion Seeking Counsel at 1, Doc. 6, filed July 2, 2020. Rule 17(c)(2) of the Federal Rules of Civil Procedure states the "court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action." However, "in the context of unrepresented litigants proceeding *in forma pauperis*, this inquiry [involving a determination of whether there is verifiable evidence of incompetence] would usually occur **after** the preliminary merits screening under ... 28 U.S.C. 1915(e)(2). *Powell v. Symons*, 680 F.3d 301, 307 (3d Cir. 2012) (**emphasis added**).

The Court dismisses this case without prejudice for failure to state a claim pursuant to 28 U.S.C. 1915(e)(2), which states: "the court shall dismiss the case at any time if the court determines that ... the action ... fails to state a claim on which relief may be granted." The Court granted Plaintiff, who is proceeding *in forma pauperis*, an opportunity to file an amended complaint. *See* Doc. 27, filed September 8, 2020 (granting Plaintiff's motion to proceed *in forma pauperis*). Plaintiff did not file an amended complaint. Because it is dismissing this case pursuant to 28 U.S.C. 1915(e)(2) for failure to state a claim, the Court need not "inquir[e] as to whether there [is] a viable basis to invoke Rule 17." *Powell*, 680 F.3d at 307.


IT IS ORDERED that:

- (i) This case is **DISMISSED without prejudice**.
- (ii) Because it is dismissing this case, the Court **DENIES** the following motions as moot:
 - (a) Plaintiff's Motion Seeking Counsel, Doc. 6, filed July 2, 2020.
 - (b) Plaintiff's Motion Seeking Subpoenas, Doc. 7, filed July 2, 2020.
 - (c) Plaintiff's Motion Seeking Waiver of the Filing Fee, Doc. 8, filed July 2, 2020.

- (d) Plaintiff's Motion seeking to Submit Successive Habeas Corpus, Doc. 9, filed July 9, 2020.
- (e) Plaintiff's Motion to Submit Exhibit B, Doc. 10, filed July 9, 2020.
- (f) Plaintiff's Motion Seeking In Camera Views, Doc. 12, filed July 10, 2020.
- (g) Plaintiff's Motion Seeking In Camera View, Doc. 13, 2020.
- (h) Plaintiff's Motion Seeking Public Identification of the Department of Justice US Marshal's Security, Doc. 14, filed July 13, 2020.
- (i) Plaintiff's Motion Seeking Subpoenas of Attorneys, Doc. 15, filed July 13, 2020.
- (j) Plaintiff's Motion Seeking Subpoenas, Doc. 16, filed July 16, 2020.
- (k) Plaintiff's Motion for Order, Doc. 17, filed July 27, 2020.
- (l) Plaintiff's Motion Seeking Recusal, Doc. 18, filed July 28, 2020.
- (m) Plaintiff's Motion to Amend the Motion Seeking Recusal, Doc. 19, filed July 30, 2020.
- (n) Plaintiff's Motion Seeking Affidavit of the United States District Clerk's Office, Doc. 20, filed August 3, 2020.
- (o) Plaintiff's Motion to Submit All, Doc. 21, filed August 7, 2020.
- (p) Plaintiff's Motion Seeking Subpoenas, Doc. 22, filed August 10, 2020.
- (q) Plaintiff's Motion for Response, Doc. 23, filed August 11, 2020.
- (r) Plaintiff's Motion Seeking Action, Doc. 25, filed August 27, 2020.
- (s) Plaintiff's Motion Seeking an Inquire Response from District Clerk's Office, Doc. 28, filed September 11, 2020.

(t) Plaintiff's Motion to Submit Fraudulent Act by Deception by the District Clerk's Office, Doc. 29, filed September 11, 2020.

(u) Plaintiff's Motion to Amend the Complaint, Doc. 31, filed September 21, 2020.



MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE